

T HE HON'BLE SRI JUSTICE C.V. RAMULU

Monday, 3rd July, 2006

W.P.No.16433 of 2005

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Between:

D. Bharathi

... Petitioner

and

The Joint Registrar/Special
Officer, Jubilee Hills Cooperative
House Building Society,
Jubilee Hills, Hyderabad

...Respondent

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ORAL ORDER:

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This Writ Petition is filed seeking a Mandamus declaring the non-issuance of 'no objection certificate' in respect of the property alienated in favour of the petitioner, viz., plot No.548-A17 of Jubilee Hills Cooperative House Building Society Limited, Hyderabad as arbitrary and illegal and consequently to direct the respondent to forthwith issue 'no objection certificate' in respect of the said plot.

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It is the case of the petitioner that he is a Member of the respondent-society and was allotted with Plot No.548-A17 ad measuring 2629 square yards on 21-7-1988. Subsequently, the Society, by virtue of registered sale deeds bearing document Nos.4387 and 4388 of 2001, dated 27-11-2001 alienated the property in his favour. Since then, he has been in possession and enjoyment of the property, even as of now. Meanwhile, the society called upon him to pay certain additional amounts vide its letters dated 23-2-1994 and 9-4-1994 and he had paid the said amounts. The authorities also issued orders exempting the property purchased by him from the provisions of the Urban Land (Ceiling and Regulation) Act,1976. He has approached the respondent for grant of 'no objection certificate' so as to enable him to approach the Municipal Corporation of Hyderabad for construction of a residential building in the said plot allotted and registered in his name, since the Corporation insisted for such certificate. In this regard, he made representations on 10-5-2002 and

22-6-2005 to the respondent. Though the same have been acknowledged, till date no certificate has been issued.

Heard both sides.

In the facts and circumstances of the case, without expressing any opinion on merits, the respondent is directed to consider the representations purported to have been made by the petitioner on 10-5-2002 and the latest being on 22-6-2005 and pass appropriate orders as per law, after putting the petitioner on notice and hearing him personally, and communicate the same to the petitioner, within a period of two months from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No order as to costs.

03-7-2006

prk